

The Gazette of India

EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

No. 25] NEW DELHI, WEDNESDAY, AUGUST 8, 1962/ AVANA 17, 1984

LOK SABHA

The following Bill was introduced in Lok Sabha on the 8th August, 1962:—

BILL No. 69 OF 1962

A Bill further to amend the Land Acquisition Act, 1894, and to validate certain acquisitions under that Act.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. This Act may be called the Land Acquisition (Amendment) Short title, Act, 1962.

5 2. In sub-section (1) of section 40 of the Land Acquisition Act, Amendment
1 of 1894. 1894 (hereinafter referred to as the principal Act), after clause (a), of section 40.
the following clause shall be inserted, namely:—

10 “(aa) that such acquisition is needed for the construction of
some building or work for a Company engaged or to be engaged
in an industry which is essential to the life of the community or
is likely to promote the economic development of the country;
or”.

3. In section 41 of the principal Act,—

15 (a) for the words “the purpose of the proposed acquisition
is to obtain land for the erection of dwelling houses for workmen
employed by the Company or for the provision of amenities
directly connected therewith, or that the proposed acquisition is
needed for the construction of a work, and that such work is
likely to prove useful to the public”, the words, brackets, letters
20 and figures “the proposed acquisition is for any of the purposes
referred to in clause (a) or clause (aa) or clause (b) of sub-
section (1) of section 40” shall be substituted;

Amendment
of section 41.

(b) in clause (4), the word "and" occurring at the end shall be omitted, and after that clause, the following clause shall be inserted, namely:—

"(4A) where the acquisition is for the construction of any building or work for a Company engaged or to be engaged in an industry which is essential to the life of the community or is likely to promote the economic development of the country, the time within which, and the conditions on which, the building or work shall be constructed or executed; and".

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Validation of
certain ac-
quisitions.

4. Notwithstanding any judgment, decree or order of any court, every acquisition of land for a Company made or purporting to have been made under Part VII of the principal Act before the 20th day of July, 1962, shall, in so far as such acquisition is not for any of the purposes mentioned in clause (a) or clause (b) of sub-section (1) of section 40 of the principal Act, be deemed to have been made for the purpose mentioned in clause (aa) of the said sub-section, and accordingly every such acquisition and any proceeding, order, agreement or action in connection with such acquisition shall be, and shall be deemed always to have been, as valid as if the provisions of sections 40 and 41 of the principal Act, as amended by this Act, were in force at all material times when such acquisition was made or proceeding was held or order was made or agreement was entered into or action was taken.

Repeal and
saving.

5. (1) The Land Acquisition (Amendment) Ordinance, 1962, is hereby repealed. 25 3 of 1962.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 20th day of July, 1962.

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STATEMENT OF OBJECTS AND REASONS

Under the Land Acquisition Act, 1894, land may be acquired for a public purpose as also for companies. The purposes for which acquisition of land for companies may be made are, however, restricted and they have been specified in section 40(1) of the Act. Such acquisition may be made for obtaining land (a) for the construction of dwelling houses for workmen or for the provision of amenities directly connected therewith; or (b) for the construction of some work which is likely to prove useful to the public.

2. Section 40(1) (b) and section 41 of the Land Acquisition Act came up for consideration before the Supreme Court in the case of *R. L. Aurora vs. the State of U.P.* (1962) A.I.R. S.C. p. 764. The Supreme Court held that land can be acquired for a company under section 40(1) (b) read with section 41 of the Act only when the work to be constructed would be directly useful to the public and the public would be entitled to use the work as of right for its own benefit in accordance with the terms of the agreement. In the various States, land has been acquired for companies engaged in industries which are likely to promote economic development of the country or which are essential to the life of the community. Doubts have arisen as to the validity of such acquisition.

3. Some State Governments have represented that the aforesaid decision of the Supreme Court may have far-reaching consequences in respect of acquisition of land for companies. It is feared that the decision may render planned development of industries extremely difficult and also that there will be the danger that the acquisition of land made for companies in the past might be questioned in courts of law and claims may be made by previous owners whose lands have been acquired for restoration of land or payment of damages. In order to overcome these difficulties, the Land Acquisition (Amendment) Ordinance, 1962 (3 of 1962) was promulgated on the 20th July, 1962, suitably amending sections 40 and 41 of the Act and also validating all past acquisition of land made for companies.

4. The Bill merely seeks to replace the Ordinance by an Act of Parliament.

S. K. PATIL.

NEW DELHI;
The 1st August, 1962.

M. N. KAUL,
Secretary.

CORRIGENDA

In the Gazette of India Extraordinary, Part II—Section 2—

1. No. 1, dated the 12th March, 1962:—

Page 1, line 7, for “(2) It shall be deemed to have come into force on the 20th day of” read **“2. In the First Schedule to the Constitution, under the heading”**.

2. No. 7, dated the 24th March, 1962:—

Page 65, line 15, under the column “Total”, for “9. , 000” read **“9,96,000”**.

3. No. 9, dated the 23rd April, 1962:—

(i) Page 74, delete marginal reference “43 of 1961.” appearing at the end;

(ii) Page 75, last line, read “43 of 1961.” as marginal reference;

(iii) Page 85, line 10, for “f tubings” read “flat tubings”;

(iv) Page 88, line 14, for “even” read “Seven” and line 34, for “ive” read “Five”; and

(v) Page 91, line 14, for “Rs. 1” read “Rs. 15”.

4. No. 10, dated the 27th April, 1962:—

(i) Page 127, line 11, for “ike” read “take”;

(ii) Page 151, read “6 of 1898” shown against line 11. as marginal reference to line 6; and

(iii) Page 166, line 12, for “section” read “section 26”.

5. No. 11, dated the 30th April, 1962:—

(i) Page 180, line 9, for “2” read “2 of 1912.” as marginal reference; and

(ii) Page 186, line 18, for “mmebr” read “member”.

6. No. 13, dated the 11th May, 1962:—

Page 211, read “Branches” as marginal heading to clause 4.

7. No. 16, dated the 8th June, 1962:—

Page 260, last line, for “The delegation of legislative power is thus of a normal character.” read “eligibility. But to start with Rupees ten lakhs should be sanctioned.”.

8. No. 18, dated the 15th June, 1962:—

- (i) Page 376, marginal heading to clause 8, for “basted” read “based”;
- (ii) Page 385, marginal reference to clause 24, for “10 of 194” read “10 of 1940”; and
- (iii) Page 389, marginal reference to line 6, for “of 1872” read “9 of 1872”.

9. No. 19, dated the 19th June, 1962:—

Page 403, in the footnote, for “clause (2)” read “clause (3)”.

10. No. 22, dated the 22nd June, 1962:—

- (i) Page 535, line 22, for “pace” read “place” and line 26, for “to” read “so”; and
- (ii) Page 544, read line 38 after the last line.

11. No. 23, dated the 22nd June, 1962:—

Page 565, marginal heading to clause 36, for “Found” read “Fund”.
